

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

LOCO BRANDS, LLC d/b/a DIRECT  
TEK,

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Plaintiff,

V.

Case No. 6:18-CV-69-JDK-KNM

BUTLER AMERICA, LLC and  
FRONTIER COMMUNICATIONS  
CORPORATION,

## Defendants.

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## **ORDER ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

This case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636. On January 30, 2020, the Magistrate Judge issued a Report and Recommendation (Docket No. 232), recommending that Defendant Butler America, LLC's Motion for Summary Judgment (Docket No. 141) be denied.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Defendant Butler America, LLC did not file objections in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th

Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendations, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. The Court therefore adopts the Report and Recommendation of the United States Magistrate Judge (Docket No. 232) as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 232) be **ADOPTED** and that Defendant Butler America, LLC's Motion for Summary Judgment (Docket No. 141) be **DENIED**.

So **ORDERED** and **SIGNED** this **18th** day of **February, 2020**.



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JEREMY D. KERNODEE  
UNITED STATES DISTRICT JUDGE